

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MONDAY, MAY 16, 2016 – 6:45 PM  
117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118  
REGULAR/REZONING MEETING  
MINUTES

PRESENT: Commissioner Marshall Faircloth, Chairman  
Commissioner Glenn Adams, Vice Chairman  
Commissioner Jeannette Council  
Commissioner Kenneth Edge  
Commissioner Charles Evans  
Commissioner Jimmy Keefe  
Commissioner Larry Lancaster  
Amy Cannon, County Manager  
James Lawson, Deputy County Manager  
Melissa Cardinali, Assistant County Manager  
Tracy Jackson, Assistant County Manager  
Rick Moorefield, County Attorney  
Sally Shutt, Governmental Affairs Officer  
Vicki Evans, Finance Director  
Randy Beeman, Emergency Services Director  
Joe Utley, Tax Administrator  
Jeffrey Brown, Engineering and Infrastructure Director  
Scott Walters, Code Enforcement Manager  
Candice H. White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Chairman Faircloth called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Reverend Selvyn A. Lindo, Pastor of Willis Creek A.M.E. Zion Church, provided the invocation followed by the Pledge of Allegiance to the American flag led by Anaya Forte, sixth grade, Grays Creek Middle School.

PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM)

Amy Cannon, County Manager, read the public comment policy. Chairman Faircloth recognized the clerk to the board who called the following speakers:

Jessie L. Garner – Mr. Garner, Pastor of Open Arms Community Church, spoke about his former incarceration, release on parole, reintegration into the community and support network. Mr. Garner stated many of those released back into the community do not have the support he had. Mr. Garner stated the mission of the Fayetteville-Cumberland County Re-entry Council is to strengthen, support, encourage and empower formerly incarcerated individuals returning to the community through a comprehensive network of services and service providers.

Anna Elliott – Ms. Elliott stated her daughter has type one diabetes and asked to have nurses permanently placed in schools for students with chronic illnesses. Ms. Elliott stated she also presented this request to the Board of Education last week.

Isabel Arreola – Ms. Arreola stated she is thirteen and has type one diabetes. Ms. Arreola stated placing nurses in every school will give students who have chronic illnesses peace of mind.

Recognition of Citizens' Academy Graduates

On behalf of the Board of Commissioners, Chairman Faircloth recognized graduates of the Spring 2016 Citizens' Academy as recorded below:

Curtis Brown	Daryl Johnson	LaVern Oxendine
Linda E. Bryant	Gaby Kienitz	Georgia Pate
C. Wayne Collier	Jackie Kubinski	Marty Sierra-Donovan
Carolyn Collier	Daphine Little	Ebony Smith
Betty Davis	Jean McArthur	James Stubbs
Ted Donovan	Montrell McDonald	Joann Tackett
Charles Fuller	Marriane McLean	Mary Taylor
Monika Fuller	Daniel Middleton	Toni Terry
Victor Glover	Karen Moore	Ginny Ware
Kay Harris	Sandra Napier	Randolph Washington
Ambrous Jacobs	Devon Newton	Sameria Zavala
Sue Johnson	Adam Noriega	

Ms. Cannon asked that the Board move Item 3.E. for Case P16-18 immediately after Item 3.C. so it could be considered as an uncontested rezoning case.

1. Approval of Agenda

MOTION: Commissioner Edge moved to approve the agenda with Case P16-18 moved as requested.  
 SECOND: Commissioner Adams  
 VOTE: UNANIMOUS (7-0)

2. Consent Agenda

- A. Approval of minutes for May 2, 2016 regular meeting
- B. Approval of the Cumberland County Juvenile Crime Prevention Council Contracts Representing Funding Allocations for July 1, 2016 through June 30, 2017

BACKGROUND:

The Cumberland County Juvenile Crime Prevention Council annually submits the JCPC Program Contracts to the Board of Commissioners for approval prior to submitting to the State office. The contracts represent the funding allocations for FY2016-2017.

RECOMMENDATION/PROPOSED ACTION:

The Juvenile Crime Prevention Council recommends approval of the JCPC DJJDP/County Funding requests for FY2016-2017. Information regarding the contracts is recorded below.

JCPC DACJJ/County Funding Requests for FY 2016-2017												
Program Name	Current DACJJ Funding	Current County Matching funds	Requested FY 16.17 DACJJ funds	Change in DACJJ request from current funding	Requested County Cash for match FY 16.17	Local Program Cash as a portion of match	Program Inkind as a portion of match	Other Program Cash	Total Program Budget Per Request	FY 16.17 Recommendation to Commissioners (DACJJ \$\$\$)	FY 16.17 Recommendation for County Cash match	FY 16.17 Recommended Total Budget
Juvenile Assessment Center	251,750	32,232	251,750	0	32,232	38,440			322,422	251,750	32,232	322,422
Find A Friend (FAF)	59,813	9,657	67,287	7,474	9,657	15,729	42,485		135,158	60,813	9,657	128,684
G.C. Group Care	293,855	400	293,855	0	170,360		88,987	159,503	712,705	293,855	170,360	712,705
Fay/CC Restitution	86,984	12,152	94,440	7,456	12,152	12,151			118,743	86,984	12,152	111,287
Teen Court	53,936	20,495	53,936	0	20,495	960	17,280		92,671	53,936	20,495	92,671
Families & Courts Together	139,921	80,000	139,921	0	80,000		9,724		229,645	139,921	80,000	229,645
FAF Mentoring Program (new)	0	0	12,924	12,924	3,000	1,496	5,000		22,420	0	0	0
BICEP (new)	0	0	37,948	37,948	0	668	12,467		51,083	0	0	0
Coordinator Budget		56,734		0	56,734				56,734		56,734	56,734
Council Administrative Budget	15,500		15,500	0					15,500	15,500		15,500
Unallocated Funds	16,749		16,749	0					16,749	15,749		15,749
<b>Totals</b>	<b>918,508</b>	<b>211,670</b>	<b>984,310</b>	<b>65,802</b>	<b>384,630</b>	<b>31,004</b>	<b>214,383</b>	<b>159,503</b>	<b>1,773,830</b>	<b>918,508</b>	<b>381,630</b>	<b>1,685,397</b>
Projected Requested County funds for FY 16.17:	\$381,630											
Projected Requested 2016.2017 DACJJ allocation:	\$918,508											
Available 2016.2017 DACJJ Funds:	\$918,508											

- C. Approval of Offer to Purchase Surplus Property Being 212 Dallas Street, Maj Pt Lt 19 Helena S. Perry Property

**BACKGROUND:**

The County acquired the real property with PIN 0436-02-5629 from a tax foreclosure sale in 2007 for a purchase price of \$6,300.79. The parcel consists of 212 Dallas Street Maj Pt LT 19 Helena S. Perry Property with a tax value of \$7,000. Based on the County GIS Mapping system, there does appear to be a structure on the property. Mr. Carlomar Negrón on behalf of Church of God Yashab has made an offer to purchase the property for \$6,300.79 and has submitted the required deposit to the Finance Department. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is recorded below.

**RECOMMENDATION/PROPOSED ACTION:**

The county attorney recommends that the Board consider the offer of Carlomar Negrón on behalf of Church of God Yashab and if the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
ADVERTISEMENT OF PROPOSAL TO ACCEPT AN OFFER TO PURCHASE  
CERTAIN REAL PROPERTY PURSUANT TO N.C.G.S § 160A-269**

Take notice that the Board of Commissioners finds the real property described herein is not needed for governmental purposes and proposes to accept an offer to purchase the property with PIN 0436-02-5629 being 212 Dallas St, Maj Pt Lt 19 Helena S. Perry Property, for a purchase price of \$6,300.79. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

**D. Approval of Ordinance Assessing Property for the Cost of Demolition:**

- 1. Case Number: MH 887-2014
- Property Owner: Mary E. Shipman
- Property Location: 7776 Godwin-Falcon Road, Falcon, NC
- Parcel Identification Number: 1502-18-9361

**ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 887-2014  
PROPERTY OWNER: Mary E. Shipman**

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on September 21<sup>st</sup>, 2015, enacted an ordinance directing the demolition by the owner of the structure Mary E. Shipman, located at 7776 Godwin Falcon Road, Falcon, NC, PIN: 1502-18-9361, said ordinance being recorded in Book 9734, page 0195, of the Cumberland County Registry of Deeds;

WHEREAS, the time within which said demolition was to be performed has expired and the owner(s) failed to comply with the ordinance within such period; and

WHEREAS, the said ordinance further directed the Minimum Housing Inspector to effect the demolition of the structure(s) in the event the owner(s) failed to do so;

WHEREAS, the Minimum Housing Inspector has reported to this Board that:

- (1) Said work had been accomplished.
- (2) The cost of such work was \$36,800.00.
- (3) There were no salable materials resulting from said work.

NOW THEREFORE, the above report coming on to be considered and the Board of County Commissioners find it to be a true and accurate accounting, the said Board hereby ORDAINS:

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$36,800.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated September 21, 2015, and in Section 153A-372 of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 7776 Godwin Falcon Road, Falcon, NC, as described in Deed Book 2287, page 0469, of the Cumberland County Registry and identified in County tax records as PIN 1502-18-9361.

(3) That as further provided in Section 160A-443(6) of the General Statutes of North Carolina, such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of said General Statutes;

(4) That one copy of this resolution be filed in the minutes of this Board of County Commissioners and another copy certified and delivered by the Clerk as a charge to the Tax Collector, who shall thereupon enter the amount of the assessment set forth above upon the Tax Books of the County as a special assessment against the above described property.

E. Approval of Cumberland County Facilities Committee Report and Recommendation(s):

1. Consolidated 911 Communications Center

BACKGROUND:

At the May 5, 2016 Facilities Committee meeting, representatives from Mission Critical Partners provided a brief overview of the recently completed feasibility study along with information about the potential consolidation of City-County 9-1-1 Services. At the end of the presentation, the Facilities Committee approved a recommendation to move forward with the formation of an Executive Committee that will examine how to consolidate the City's and County's respective 9-1-1 Communications Centers.

RECOMMENDATION/PROPOSED ACTION:

Staff recommends working with the City of Fayetteville to establish an Executive Committee that will examine how to consolidate the City's and County's respective 9-1-1 Communications Centers.

2. Lease and Leasehold Improvement Agreements with Cape Fear Valley Health System:

A. E. Newton Smith Building

BACKGROUND:

This item was presented at the May 5, 2016 Cumberland County Facilities Committee Meeting.

Cape Fear Valley Health System (Health System) is interested in leasing vacant space at our E. Newton Smith Building. They are requesting to renovate and lease the 4<sup>th</sup> floor which totals 18,911 square feet. The estimated cost of the renovation totals \$1,015,567 and includes wall demolition and construction, paint, flooring, electrical, HVAC and communications/IT wiring.

Below is a summary of the proposed terms:

Lease Term	5 Years / Beginning July 1, 2016
Annual Lease Rate	\$5 per square foot or \$94,555 (Includes consideration of renovation costs)
Janitorial	Lessee shall provide
Utilities	Pro-rata share reimbursement from Lessee

The annual lease rate of \$5 per square foot plus the estimated value of the renovation for the lease term exceed the value of the square footage at our base rate of \$12 per square foot.

**RECOMMENDATION/PROPOSED ACTION:**

The Facilities Committee approved the Lease and Leasehold Improvement Agreements with the Health System at the May 5, 2016 County Facilities Committee meeting. Consider following the recommendation of the Facilities Committee and approve the Lease and Leasehold Improvement Agreements with the Health System.

**B. Executive Place**

**BACKGROUND:**

This item was presented at the May 5, 2016 Cumberland County Facilities Committee Meeting.

Cape Fear Valley Health System (Health System) is interested in leasing vacant space at Executive Place for Behavioral Health Services provided to the community. They are requesting to lease office space on the 4<sup>th</sup> floor which totals 7,826 square feet and to make minor renovations in this area. The estimated cost of the renovation is \$41,476.25.

Below is a summary of the terms proposed for the fourth floor by the Health System:

Lease Term	5 Years / Beginning July 1, 2016
Annual Lease Rate	\$5 per square foot or \$39,130 (Includes consideration of renovation costs)
Janitorial	Lessee shall provide
Utilities	Pro-rata share reimbursement from Lessee

As you may recall, the walk-in Mental Health Clinic was transferred to the Health System a few years ago as a result of mental health reform. Initially, the clinic was on the Health System’s campus until a major weather event caused flooding of the building which housed these services. The Health System approached the County regarding use of vacant space at Executive Place on a temporary basis. The Health System is now looking for an opportunity to house the entire community mental health program at one location and to provide an opportunity for expansion of services. Therefore, the lease agreement includes the third floor which captures the space currently occupied. The Health System has asked to lease this 8,704 square feet at \$8 per square foot. This reduced lease rate has been requested since the Health System provides community mental health services to many citizens without full reimbursement.

Below are the proposed lease terms for this space:

Lease Term	5 Years / Beginning July 1, 2016
Annual Lease Rate	\$8 per square foot or \$69,632
Janitorial	Lessee shall provide
Utilities	Pro-rata share reimbursement from Lessee

**RECOMMENDATION/PROPOSED ACTION:**

The Facilities Committee approved the Lease and Leasehold Improvement Agreements with the Health System at the May 5, 2016 County Facilities Committee meeting. Consider following the recommendation of the Facilities Committee and approve the Lease and Leasehold Improvement Agreements with the Health System.

- F. Approval of Resolutions of Intent to Lease Certain Real Property to the Cumberland County Hospital System, Inc. for Specified Portions of the E. Newton Smith Building and the Winding Creek Office Building

**BACKGROUND:**

The Facilities Committee recently considered, and is recommending, the proposed lease of a specified portion of the premises located in the E. Newton Smith Building, 227 Fountainhead Lane in Fayetteville, and the Winding Creek Office Building, 711 Executive Place. A notice of intent to enter into the proposed lease must be published at least 10 days in advance of a regular meeting to approve the lease.

RECOMMENDATION/PROPOSED ACTION:

As recommended by the Facilities Committee, adopt the following resolutions:

Resolution One: E. Newton Smith Building – 227 Fountainhead Lane, Fayetteville, NC  
BE IT RESOLVED that the Cumberland County Board of Commissioners finds that 18,911 square feet of the real property located at 227 Fountainhead Lane will not be needed for government purposes for the term proposed for the lease of the property to Cumberland County Hospital System, Inc., and this Board intends to adopt a resolution at its next regular meeting to be held on May 16, 2016, approving the lease pursuant to the terms to be advertised as follows:

PUBLIC NOTICE OF PROPOSED LEASE PURSUANT TO G.S. 160A-272

TAKE NOTICE the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its meeting to be held on May 16, 2016, approving the lease of approximately 18,911 square feet of office space located at 227 Fountainhead Lane, Fayetteville, NC, to Cumberland County Hospital System, Inc., for a term of five (5) years commencing May 16, 2016, at an annual rental rate of \$94,555.

Resolution Two: Winding Creek Office Building – 711 Executive Place, Fayetteville, NC  
BE IT RESOLVED that the Cumberland County Board of Commissioners finds that 16,530 square feet of the real property located at 711 Executive Place will not be needed for government purposes for the term proposed for the lease of the property to Cumberland County Hospital System, Inc., and this Board intends to adopt a resolution at its next regular meeting to be held on May 16, 2016, approving the lease pursuant to the terms to be advertised as follows:

PUBLIC NOTICE OF PROPOSED LEASE PURSUANT TO G.S. 160A-272

TAKE NOTICE the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its meeting to be held on May 16, 2016, approving the lease of approximately 16,530 square feet of office space located at 711 Executive Place, Fayetteville, NC, to Cumberland County Hospital System, Inc., for a term of five (5) years commencing May 16, 2016, at an annual rental rate of \$108,762.

G. Approval of Cumberland County Finance Committee Report and Recommendation(s):

- 1. Approval to Set the Public Hearing for June 20, 2016 on the Bullard Circle Special Assessment

BACKGROUND:

The Board of Commissioners, at their August 18, 2014 meeting, adopted a Final Assessment Resolution for the Bullard Circle Waterline Extension Project. The resolution defined the term of the assessment as 15 years at 6% interest. The construction of the waterline extension throughout the Bullard Circle area is now complete, Fayetteville Public Works Commission (FPWC) has accepted the lines, and FPWC will own and operate the waterline as an extension of their existing water system. Letters were mailed to the property owners on April 12, 2016 informing them that they may now connect to the waterline and of the steps necessary to connect to the system through FPWC. The final project costs have been determined and the preliminary assessment roll prepared. A copy of the assessment roll is recorded below.

The next step is for the Board of Commissioners to adopt the preliminary assessment roll and set a date for a public hearing. It is suggested that a public hearing be scheduled for June 20, 2016 at 6:45 pm. Following the public hearing the Board of Commissioners will need to confirm the assessments for each parcel. The cost per parcel will be \$2,701.22.

The following is a summary of the costs and the calculated assessment per parcel:

Engineering & Design	Moorman, Kizer & Reitzel	\$ 57,175
Construction	Autry Grading, Inc.	\$268,559
Licensing, Permits & Easements		<u>\$ 3,815</u>
	Total	\$329,549

FPWC participation in the project per agreement	\$ 67,899.66
County's participation in the project per agreement	\$ 96,874.84
<b>Total</b>	<b>\$164,774.50</b>

Total Project Cost	\$329,549.00
County & FWPC participation	<u>-\$164,774.50</u>
	\$164,774.50

Balance to be assessed to property owners \$164,774.50

Number of parcels for assessment 61  
 Assessment per parcel \$ 2,701.22

As a side note, per the agreement FPWC is responsible for 25% water main construction cost but not the lateral cost. The County and the property owners are responsible for the lateral costs. These costs have been considered and are included above.

This item was presented and approved by the Finance Committee on May 5, 2016.

**RECOMMENDATION/PROPOSED ACTION:**

The Engineering and Infrastructure Director, County Management and the Finance Committee recommend that the Board of Commissioners approve the Preliminary Assessment Roll and place this item on the agenda of the May 16, 2016 Board of Commissioners meeting to set the public hearing date for June 20, 2016 as well as confirming the assessment roll at the conclusion of the public hearing.

Parcel Number	Owner Name	Owner Address	Situs Address	Assessment Per Parcel
0531-87-9127-	TIMOTHY & YEE SIMMONS	394 BULLARD CIR, FAYETTEVILLE, NC 28311	345 VANN ST	\$ 2,701.22
0531-96-2991-	LOCAL 959 UNITED WORKERS ASSOC	280 MCCLOSKEY RD, FAYETTEVILLE, NC 28311	VANN ST	\$ 2,701.22
0531-96-5464-	LOCAL 959 UNITED WORKERS ASSOC	280 MCCLOSKEY RD, FAYETTEVILLE, NC 28311	280 MCCLOSKEY RD	\$ 2,701.22
0531-96-5856-	PAUL WILLIAMS	281 BULLARD CIR, FAYETTEVILLE, NC 28311	VANN ST	\$ 2,701.22
0531-96-7856-	PAUL & CYNTHIA WILLIAMS	281 BULLARD CIR, FAYETTEVILLE, NC 28311	VANN ST	\$ 2,701.22
0531-96-9856-	PAUL WILLIAMS	281 BULLARD CIR, FAYETTEVILLE, NC 28311	VANN ST	\$ 2,701.22
0531-97-2290-	STEPHEN & CARLEEN JOYNER	484 BULLARD CIR, FAYETTEVILLE, NC 28311	484 BULLARD CIR	\$ 2,701.22
0531-97-2693-	BROADWELL LAND CO	PO BOX 53587, FAYETTEVILLE, NC 28305	N/A	\$ 2,701.22
0531-97-3301-	GREAT SOUTHEASTERN PROPERTIES	PO BOX 58375, FAYETTEVILLE, NC 28305	BULLARD CIR	\$ 2,701.22
0531-97-3442-	BROADWELL LAND CO	PO BOX 53587, FAYETTEVILLE, NC 28305	BULLARD CIR	\$ 2,701.22
0531-97-3767-	CATHOLIC SOCIAL MINISTRIES	7200 STONEHENGE DR, RALEIGH NC 27613	BULLARD CIR	\$ 2,701.22
0531-97-5163-	PATRICIA STOVER	284 VANN ST, FAYETTEVILLE, NC 28311	284 VANN ST	\$ 2,701.22
0531-97-5384-	JEFF & KATHY STAFFORD	465 BULLARD CIR, FAYETTEVILLE, NC 28311	465 BULLARD CIR	\$ 2,701.22
0531-97-6670-	MELODY HANEY	713 DALMORE DR, FAYETTEVILLE, NC 28311	BULLARD CIR	\$ 2,701.22
0531-97-6786-	TIMOTHY & YEE SIMMONS	394 BULLARD CIR, FAYETTEVILLE, NC 28311	BULLARD CIR	\$ 2,701.22
0531-97-7113-	PATRICIA STOVER	284 VANN ST, FAYETTEVILLE, NC 28311	VANN ST	\$ 2,701.22
0531-97-7375-	LULA GROVER	3519 ROSEHILL RD, FAYETTEVILLE, NC 28311	N/A	\$ 2,701.22
0531-97-8631-	JENNIFER GATES	258 STONECOAL DR, FAYETTEVILLE, NC 28311	258 STONECOAL DR	\$ 2,701.22
0531-97-8832-	TIMOTHY & YEE SIMMONS	394 BULLARD CIR, FAYETTEVILLE, NC 28311	397 BULLARD CIR	\$ 2,701.22
0531-97-9364-	JAMES & DONNA BRYSON	243 STONECOAL DR, FAYETTEVILLE, NC 28311	243 STONECOAL DR	\$ 2,701.22
0531-97-9631-	GERALD KINDER, DONALD KINDER & PATRICIA KINDER STOVER	258 STONECOAL DR, FAYETTEVILLE, NC 28311	N/A	\$ 2,701.22
0531-98-1814-	BROADWELL LAND CO	PO BOX 53587, FAYETTEVILLE, NC 28305	N/A	\$ 2,701.22
0531-98-5073-	SABRENA & GERALDINE WALKER	101 NORWOOD ST, NEWARK, NJ 07106	408 BULLARD CIR	\$ 2,701.22
0531-98-7100-	TIMOTHY & YEE SIMMONS	394 BULLARD CIR, FAYETTEVILLE, NC 28311	N/A	\$ 2,701.22
0531-98-7342-	MARY CURRY	1916 WILLIAMSON RD, FAIRMONT, NC 28340	6635 RAMSEY ST	\$ 2,701.22
0531-98-9005-	TIMOTHY & YEE SIMMONS	394 BULLARD CIR, FAYETTEVILLE, NC 28311	394 BULLARD CIR	\$ 2,701.22
0541-05-6993-	PRAMUKH ENTERPRISES LLC ATTN: MEENA DAVE	350 PINE ST, LULLINGTON, NC 27546	RAMSEY ST	\$ 2,701.22
0541-06-1377-	KEITH MILLIKEN	181 BULLARD CIR, FAYETTEVILLE, NC 28311	181 BULLARD CIR	\$ 2,701.22
0541-06-1549-	KENNETH & JOVANI REAVES	398 N MAIN ST, MILTOWN, NJ 08850	BULLARD CIR	\$ 2,701.22
0541-06-1750-	GWENDOLYN ANDERSON	215 BULLARD CIR, FAYETTEVILLE, NC 28311	215 BULLARD CIR	\$ 2,701.22
0541-06-1850-	MARGARET JOHNSON C/O MARGARET K. MORLEY	213 W 2ND AVE, RED SPRINGS, NC 28377	225 BULLARD CIR	\$ 2,701.22
0541-06-1951-	GARY SHAVER	237 BULLARD CIR, FAYETTEVILLE, NC 28311	237 BULLARD CIR	\$ 2,701.22
0541-06-3019-	DANNY AVERITT	155 BULLARD CIR, FAYETTEVILLE, NC 28311	155 BULLARD CIR	\$ 2,701.22
0541-06-3267-	THOMAS COPPEDGE	173 BULLARD CIR, FAYETTEVILLE, NC 28311	173 BULLARD CIR	\$ 2,701.22
0541-06-3594-	KENNETH NETTLES, JR.	200 BULLARD CIR, FAYETTEVILLE, NC 28311	200 BULLARD CIR	\$ 2,701.22
0541-06-4432-	JERRY & JOYCE TUBERVILLE	6257 CHURCH ST, FAYETTEVILLE, NC 28311	186 BULLARD CIR	\$ 2,701.22
0541-06-4605-	ROBERT & MARY JO ANDERSON	511 ARGYLL RD, FAYETTEVILLE, NC 28303	210 BULLARD CIR	\$ 2,701.22
0541-06-4726-	TAMMY BURNETTE WOLFE	215 RESOLUTION DR, YORKTOWN, VA 23692	220 BULLARD CIR	\$ 2,701.22
0541-06-4846-	MARK GATES	8784 COATS RD, LINDEN, NC 28356	BULLARD CIR	\$ 2,701.22
0541-06-4936-	CRAIG & NORA MACDONALD	240 BULLARD CIR, FAYETTEVILLE, NC 28311	240 BULLARD CIR	\$ 2,701.22
0541-07-0641-	GERALD KINDER, DONALD KINDER & PATRICIA KINDER STOVER	258 STONECOAL DR, FAYETTEVILLE, NC 28311	N/A	\$ 2,701.22
0541-07-0830-	LAURA GUTIERREZ	367 BULLARD CIR, FAYETTEVILLE, NC 28311	367 BULLARD CIR	\$ 2,701.22
0541-07-1152-	HOSEA & ALEETA WILLIAMS	259 BULLARD CIR, FAYETTEVILLE, NC 28311	259 BULLARD CIR	\$ 2,701.22
0541-07-1266-	WILLIAM ADAMS	4405 CLIFTON DR, HOPE MILLS, NC 28348	271 BULLARD CIR	\$ 2,701.22
0541-07-1367-	PAUL & CYNTHIA WILLIAMS	281 BULLARD CIR, FAYETTEVILLE, NC 28311	281 BULLARD CIR	\$ 2,701.22
0541-07-1598-	CHRISTOPHER MOORE	9803 FRANKLIN AVE, LANHOM, MD 20706	BULLARD CIR	\$ 2,701.22
0541-07-2723-	NORWEST BANK MINNESOTA TRUSTEE C/O JAMES C. BLUE	9803 FRANKLIN AVE, LANHOM, MD 20706	325 BULLARD CIR	\$ 2,701.22
0541-07-2833-	DAVID & PATRICIA MULLINS	8825 RAMSEY ST, LINDEN, NC 28356	645 BULLARD CIR	\$ 2,701.22
0541-07-4016-	DAVID & PATRICIA MULLINS	8825 RAMSEY ST, LINDEN, NC 28356	N/A	\$ 2,701.22
0541-07-4116-	GLENN & HELEN BRINSON	260 BULLARD CIR, FAYETTEVILLE, NC 28311	260 BULLARD CIR	\$ 2,701.22
0541-07-4236-	CONNIE C. HAYES	14 FOXFIRE TRCE, OAK ISLAND, NC 28465	BULLARD CIR	\$ 2,701.22
0541-07-4317-	DAVID & MARIE NEWTON	710 EMELINE AVE, FAYETTEVILLE, NC 28303	BULLARD CIR	\$ 2,701.22
0541-07-4449-	WILLIAM & MARTHA BENFIELD TRUSTEES	308 BULLARD CIR, FAYETTEVILLE, NC 28311	308 BULLARD CIR	\$ 2,701.22
0541-07-4660-	JAMES STEWART TRUSTEE	316 BULLARD CIR, FAYETTEVILLE, NC 28311	316 BULLARD CIR	\$ 2,701.22
0541-07-4960-	LEON & MELODY BROWN	4560 RUSTIC HAVEN, FAYETTEVILLE, NC 28311	BULLARD CIR	\$ 2,701.22
0541-07-5841-	JERRY & GENNIE ENNIS	215 DIAMOND POINT TRL, FAYETTEVILLE, NC 28311	215 DIAMOND POINT	\$ 2,701.22
0541-07-7613-	DAVID & MARIE NEWTON	710 EMELINE AVE, FAYETTEVILLE, NC 28303	DIAMOND POINT TRL	\$ 2,701.22
0541-08-0096-	TIMOTHY & YEE SIMMONS	394 BULLARD CIR, FAYETTEVILLE, NC 28311	644 BULLARD CIR	\$ 2,701.22
0541-08-2008-	GEORGE MICHAEL DOUGLAS	360 BULLARD CIR, FAYETTEVILLE, NC 28311	360 BULLARD CIR	\$ 2,701.22
0541-08-2190-	DOROTHY DANIEL	340 BULLARD CIR, FAYETTEVILLE, NC 28311	647 BULLARD CIR	\$ 2,701.22
0541-08-3097-	DOROTHY DANIEL	340 BULLARD CIR, FAYETTEVILLE, NC 28311	340 BULLARD CIR	\$ 2,701.22

- H. Approval of Cumberland County Policy Committee Report and Recommendation(s)
- I. Approval of Proclamation Designating the Week of May 15-21, 2016 as “Hurricane Preparedness Week” in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, hurricanes and tropical systems have impacted every North Carolina county with disastrous results; and

WHEREAS, North Carolina is repeatedly one of the leading states nationally for overall damage from hurricanes; and

WHEREAS, hurricanes and tropical storms can cause life-threatening hazards such as flooding, storm surge, destructive winds, tornadoes and landslides; and

WHEREAS, flooding claims lives every year, usually when motorists attempt to drive through flooded roadways, and

WHEREAS, people are less likely to be injured when they have prepared ahead of time and know what to do when a hurricane threatens North Carolina; and

WHEREAS, people should have an emergency plan and prepare their personal emergency supply kit to use at home or during an evacuation with enough food and water to sustain them and their families for three days or longer; and

WHEREAS, Cumberland County residents should know their evacuation routes and comply with local and state authorities when asked to evacuate; and

WHEREAS, Cumberland County Emergency Management works to inform and educate residents about how to plan, prepare and stay safe before, during and after a hurricane; and

WHEREAS, the observance of Hurricane Preparedness Week in Cumberland County provides better protection from the dangers of hurricanes and tropical storms.

NOW THEREFORE, WE, the Board of Commissioners of Cumberland County, do hereby proclaim the week of May 15 – 21, 2016, as “HURRICANE PREPAREDNESS WEEK” in Cumberland County, and encourage all county residents to plan and prepare for hurricanes by assembling their emergency supply kits and updating their emergency plans.

This 16th day of May, 2016.

- J. Changes in Budget Revision Format

BACKGROUND:

As part of the conversion to the new Munis financials and budget software, the County no longer processes budget revisions manually. A fully electronic process has eliminated the paper process, which means that the customary budget revision document does not exist for the agenda.

Therefore, within the consent agenda, we have included an expanded explanation, budget revision impact and purpose for your review and consideration. We welcome your feedback or suggestions on the manner that budget revision information be presented going forward.

RECOMMENDATION/PROPOSED ACTION:

Approve the budget revisions as recorded below in Item 2.K.

K. Approval of Budget Revisions for May 16, 2016 Agenda:

- (1) Library Budget Ordinance Amendment B160044 to Recognize Grant Funds of \$750

The Board is requested to approve Budget Ordinance Amendment number B160044 to recognize grant funds in the amount of \$750 from the Library Services and Technology Act (State Library of North Carolina) for the Building the Bench Grant program.

Please note that this amendment requires no additional County funds.

- (2) Health Department Budget Ordinance Amendment B160126 to Recognize Grant Funds of \$2,700

The Board is requested to approve Budget Ordinance Amendment number B160126 to recognize grant funds in the amount of \$2,700 to be used for quality improvement training by the Health Department.

Please note that this amendment requires no additional County funds.

- (3) Health Department Budget Ordinance Amendment B160138 to Recognize Additional NCAIDS Funds of \$11,176

The Board is requested to approve Budget Ordinance Amendment number B160138 to recognize additional funds in the amount of \$11,176 from the State Department of Public Health Aid to Counties. The funds are to be used for CAPUS (Care and Prevention in the United States) which provides intervention activities in order to identify and recruit HIV positive minorities and assist them in reducing their viral load and CD4 count.

Please note that this amendment requires no additional County funds.

- (4) Health Department Budget Ordinance Amendment B160147 to Recognize Additional NCDHHS Funds of \$2,941

The Board is requested to approve Budget Ordinance Amendment number B160147 to recognize additional funds in the amount of \$2,941 from the North Carolina Department of Health and Human Services. The funds are to be used toward Zika virus prevention within the County.

Please note that this amendment requires no additional County funds.

- (5) Medical Examiners Budget Ordinance Amendment B160144 to Increase Allocation for Medical Examiner Charges in the Amount of \$90,000

The Board is requested to approve Budget Ordinance Amendment number B160144 to increase the budget for medical examiner charges for \$90,000. The fees for the medical examiner are imposed by the State and are dependent upon the number of cases in the County each year. Therefore, the requested additional amount is an estimate only, in anticipation of further invoices through the end of the fiscal year.

- (6) JCPC – Find A Friend Budget Ordinance Amendment B160186 to Recognize Additional Funds of \$4,650

The Board is requested to approve Budget Ordinance Amendment number B160186 to recognize additional funds in the amount of \$4,650 from the North Carolina Department of Public Safety. The funds are to be used for scholarships for youth to attend the Find A Friend achievement camp during the summer.

Please note that this amendment requires no additional County funds.

- (7) Information Systems Department Budget Ordinance Amendment B160234 to Appropriate Funds of \$133,000

The Board is requested to approve Budget Ordinance Amendment number B160234 to appropriate funds in the amount of \$133,000 from Contingency funds. The funds are to be used for the purchase of 177 laptops and printers for the Elections Department for use in the November election. Laptops and printers will be purchased in the current year in order to insure all items are in place and operational before the November election.

MOTION: Commissioner Council moved to approve consent agenda Items 2.A. – 2.K.(7).  
SECOND: Commissioner Lancaster  
VOTE: PASSED (6-1) (Commissioners Keefe, Edge, Adams, Faircloth, Council and Lancaster voted in favor; Commissioner Evans voted in opposition)

### 3. Public Hearings

Ms. Cannon explained the Board of Commissioners' procedures for public hearings.

#### Uncontested Rezoning Cases

- A. Case P16-15: Rezoning of 3.06+/- acres from A1 Agricultural to R40 Residential, or to a more restrictive zoning district; located on the south side of SR 2245 (Thrower Road), west of NC HWY 87 S; submitted by James Smith, Jr. (owner) and Tim Evans (agent).

#### Staff Recommendation:

1<sup>st</sup> motion for Case P16-15: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

2<sup>nd</sup> motion for Case P16-15: Move to approve the request for R40 Residential district as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve the Staff Recommendation

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Chairman Faircloth opened the public hearing for Case P16-15.

The clerk to the board advised there were no speakers for Case P16-15.

Chairman Faircloth closed the public hearing for Case P16-15.

MOTION: Commissioner Council moved in Case P16-15 to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Lancaster moved in Case P16-15 to approve the request for R40 Residential district as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (7-0)

B. Case P16-16: Rezoning of 1.13+/- acres from A1 Agricultural to R40 Residential, or to a more restrictive zoning district; located on the south side of SR 2245 (Thrower Road), west of NC HWY 87 S; submitted by James Smith, Jr. (owner) and Tim Evans (agent).

Staff Recommendation:

1<sup>st</sup> motion for Case P16-16: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

2<sup>nd</sup> motion for Case P16-16: Move to approve the request for R40 Residential district as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve the Staff Recommendation

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Chairman Faircloth opened the public hearing for Case P16-16.

The clerk to the board advised there were no speakers for Case P16-16.

Chairman Faircloth closed the public hearing for Case P16-16.

MOTION: Commissioner Council moved in Case P16-16 to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Chairman Faircloth

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Lancaster moved in Case P16-16 to approve the request for R40 Residential district as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

C. Case P16-17: Rezoning of 20.00+/- acres from RR Residential to A1 Agricultural, or to a more restrictive zoning district; located on the east side of SR 1121 (McDonald Road), south side of SR 1118 (Parkton Road); submitted by Charles & John Calhoun(owners) and Viper Solar, LLC (agent).

Staff Recommendation:

1<sup>st</sup> motion for Case P16-17: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

2<sup>nd</sup> motion for Case P16-17: Move to approve the request for A1 Agricultural district as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve the Staff Recommendation

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Chairman Faircloth opened the public hearing for Case P16-17.

The clerk to the board advised there were no speakers for Case P16-17.

Chairman Faircloth closed the public hearing for Case P16-17.

MOTION: Commissioner Edge moved in Case P16-17 to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Lancaster moved in Case P16-17 to approve the request for A1 Agricultural district as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

E. Case P16-18: Rezoning of 66.13+/- acres from R30 Residential/DD Density Development/CZ Conditional Zoning for a 66 lot residential subdivision to R30 Residential & A1 Agricultural or to a more restrictive zoning district; located on the southwest side of SR 2243 (Roslin Road), north of Running Fox Road; submitted by Charles Gardner (owner) and Jimmy Kizer, Moorman, Kizer & Reitzel, Inc. (agent).

Staff Recommendation:

1<sup>st</sup> motion for Case P16-18: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

2<sup>nd</sup> motion for Case P16-18: Move to approve the rezoning for R30 except for the proposed A1 on the NW section, which should be A1 as recommended by the

Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve the Staff Recommendation, except for the proposed A1 on the NW section, which should be A1.

\*\*\*\*\*

Tom Lloyd, Planning and Inspections, Director, stated one individual appeared in opposition before the Planning Board but after it was explained that the developer would actually be doing less lots under the rezoning requested, the individual was no longer in opposition.

Chairman Faircloth opened the public hearing for Case P16-18.

The clerk to the board advised there were no speakers for Case P16-18.

Chairman Faircloth closed the public hearing for Case P16-18.

MOTION: Commissioner Lancaster moved in Case P16-18 to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Commissioner Edge  
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Edge moved in Case P16-18 to approve the rezoning for R30 except for the proposed A1 on the NW section, which should be A1 as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

#### Contested Rezoning Case

D. Case P16-02: Rezoning of 25.96+/- acres from A1 Agricultural to R40 Residential, or to a more restrictive zoning district; located on the southwest side of SR 2233 (School Road), west of SR 2251 (Yarborough Road); submitted by Charles Jeffery Devore (owner) and Tim Evans (agent).

#### Staff Recommendation:

1<sup>st</sup> motion for Case P16-02: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

2<sup>nd</sup> motion for Case P16-02: Move to approve the request for R40 Residential as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve the Staff Recommendation

\*\*\*\*\*

Mr. Lloyd showed vicinity maps and aerial views of the subject property, and provided overviews of the current land uses, current zonings, and surrounding land uses and zonings. Mr. Lloyd explained the area will be served by well and septic. Mr. Lloyd stated surrounding zonings are A1 Agricultural and some R40 between the subject property and School Road. Mr. Lloyd stated the rezoning as initially requested was for R30 density development; however, the petitioner was persuaded to seek R40 with one acre lots.

Mr. Lloyd stated issues the Planning Board considered were a low water table and the septic tanks' possible detrimental effect on well water. Mr. Lloyd stated the Planning Board also had to consider the uses currently allowed in the A1 district with respect to the proximity to other housing and the school, and another consideration was that this land is the owner's retirement and will not be farmed. Mr. Lloyd stated attempts are being made to keep development at rural densities until public water is available in Grays Creek. Mr. Lloyd stated the Planning Board voted 6 to 3 to recommend approval of the rezoning request for R40.

Commissioner Adams posed questions regarding runoff associated with some of the development in Grays Creek. Mr. Lloyd stated this was not one of the main points of opposition in this case and the soils are fairly good in this area. Commissioner Keefe posed questions regarding the possible number of houses under R40, the development on the other side of School Road and whether there were traffic concerns related to the school.

Chairman Faircloth opened the public hearing for Case P16-02.

The clerk to the board called the following speakers for Case P16-02:

Tim Evans – Mr. Evans appeared in favor and stated he is representing the owner who inherited two tracts, one of which has already been developed across the street. Mr. Evans spoke to land the Devore family donated to the community and stated the owner's home is contiguous to the tract of land. Mr. Evans stated soil scientists have tested the soil and most of it is good; plans are for smaller lots than those across the street and the price point will \$250,000 to \$300,000. Mr. Evans stated there will be no crawl space, no vinyl and no box houses. Mr. Evans stated the owner cares about the land and wants his inheritance developed right.

Will Walters - Mr. Walters appeared in opposition and stated the surrounding area is zoned A1 and 22 new homes would bring in a substantial number of people on a school road in a school zone on a major curve. Mr. Walters stated some of the Planning Board members were wrongly convinced because the use of A1 can have covenants of well use land management. Mr. Walters stated there is no water or sewer and there are currently water problems in the area. Mr. Walters stated the school, which is at capacity, was not aware of the proposal.

Chairman Faircloth closed the public hearing for Case P16-02.

In response to a question from Commissioner Council, Mr. Lloyd stated the main objection in the past with development around schools has been commercial because it allows for convenience stores. Mr. Lloyd stated this is allowed under A1. Commissioner Keefe posed questions regarding zero lot line development in R40. Mr. Lloyd stated it is allowed but does not change the overall density. Commissioner Keefe inquired about the entrance into the proposed development. Mr. Lloyd stated the site plan has not been submitted but because of the way it will align with the development across the street, it should go to the left of the area zoned R40. Commissioner Keefe inquired regarding the Planning Board's main opposition. Mr. Lloyd stated the Planning Board listened to the proponents and the opponents, did not verbalize any real issues in opposition; questions were mainly about the uses under A1 versus R40.

MOTION: Commissioner Council moved in Case P16-02 to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Commissioner Edge

VOTE: PASSED (6-1) (Commissioners Evans, Lancaster, Council, Faircloth, Adams and Edge voted in favor; Commissioner Keefe voted in opposition)

MOTION: Commissioner Edge moved in Case P16-02 to approve the request for R40 Residential as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

Minimum Housing Code Enforcement

The clerk to the board administered an oath to Scott Walters, Code Enforcement Manager.

F.	Case Number:	MH 1370-2016
	Property Owner:	Thomas Wyatte McKinney, Jr.
	Property Location:	3602 & 3638 McBryde Street, Linden NC
	Parcel Identification Number:	0563-62-1634

**AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT  
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS**

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on case number MH 1370-2016.

Property Owner: Thomas Wyatte McKinney, Jr.  
Property Address: 3602 & 3638 McByrde Street, Linden, NC  
Tax Parcel Identification Number: 0563-62-1634

SYNOPSIS: This property was inspected on 3/1/2016. The property owner and parties of interest were legally served with the Notice of Violations and was afforded a Hearing on 4/1/2016. Jennifer Townsend attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than 5/1/2016. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No Appeal was filed. Upon my visit to the property on May 5, 2016, the required corrective action has not been made to the structure. The structures are presently vacant and reasonable secured. In their present state, these structures constitute a fire, health, and safety hazard. The estimated cost to repair these structures to a minimum standard for human habitation is \$43,316.00 (3602 McByrde St.) and \$41,160 (3638 McByrde St.). The Assessor for Cumberland County has these structures presently valued at \$2,485.00 and \$500.00 (respectively).

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

\*\*\*\*\*

Mr. Walters stated the structure is heavily dilapidated and unsecured, there is a recreational vehicle and a dilapidated mobile home on the property.

This is the duly advertised/noticed public hearing set for this date and time.

Chairman Faircloth opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Faircloth closed the public hearing.

MOTION: Commissioner Council moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the dwelling within 30 days; to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (7-0)

G.	Case Number:	MH 1359-2016
	Property Owner:	Sandra Spearman & Kenneth McMillian
	Property Location:	2741 Blossom Road, Fayetteville, NC
	Parcel Identification Number:	0412-43-7306

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT  
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on case number MH 1359-2016.

Property Owner: Sandra Spearman & Kenneth McMillian  
Property Address: 2741 Blossom Road, Fayetteville, NC  
Tax Parcel Identification Number: 0412-43-7306

SYNOPSIS: This property was inspected on 2/23/2016. The property owner and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on 3/28/2016. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than 5/1/2016. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No Appeal was filed. Upon my visit to the property on May 5, 2016, the required corrective action has not been made to the structure. The structure is presently vacant and reasonable secured. In their present state, these structures constitute a fire, health, and safety hazard. The estimated cost to repair these structures to a minimum standard for human habitation is \$35,574.00. The Assessor for Cumberland County has these structures presently valued at \$2,500.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

\*\*\*\*\*

Mr. Walters stated the structure is dilapidated, unsecured and used for junk storage.

This is the duly advertised/noticed public hearing set for this date and time.

Chairman Faircloth opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Faircloth closed the public hearing.

MOTION: Commissioner Edge moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the dwelling within 30 days; to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Chairman Faircloth

VOTE: UNANIMOUS (7-0)

H.	Case Number:	MH 1373-2016
	Property Owner:	Vermadel Cole Heirs
	Property Location:	2334 Parkridge Drive, Fayetteville, NC
	Parcel Identification Number:	0416-50-7055

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT  
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on case number MH 1359-2016.

Property Owner: Sandra Spearman & Kenneth McMillian  
Property Address: 2741 Blossom Road, Fayetteville, NC  
Tax Parcel Identification Number: 0412-43-7306

SYNOPSIS: This property was inspected on 2/23/2016. The property owner and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on 3/28/2016. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than 5/1/2016. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No Appeal was filed. Upon my visit to the property on May 5, 2016, the required corrective action has not been made to the structure. The structure is presently vacant and reasonable secured. In their present state, these structures constitute a fire, health, and safety hazard. The estimated cost to repair these structures to a minimum standard for human habitation is \$35,574.00. The Assessor for Cumberland County has these structures presently valued at \$2,500.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

\*\*\*\*\*

Mr. Walters stated the structure is burned and is mainly debris.

Chairman Faircloth inquired regarding the risk associated with the property. Mr. Walters stated part of the structure is still standing and the debris can create a safety hazard for anyone who goes onto the property if it is not removed.

This is the duly advertised/noticed public hearing set for this date and time.  
Chairman Faircloth opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Faircloth closed the public hearing.

**MOTION:** Commissioner Council moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the dwelling within 30 days; to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

**SECOND:** Commissioner Lancaster

**VOTE:** UNANIMOUS (7-0)

### Other Public Hearings

- I. Public Hearing on an Installment Financing Agreement Authorized by NCGS 159-151 and Authorization for the County Manager, County Attorney and County Finance Director to Execute the Documents Necessary to Finalize the Installment Financing Transaction

#### **BACKGROUND:**

During the fiscal year 2016 budget process, a five-year capital improvement plan was presented that included major improvements to parking lots, roofs and exterior buildings throughout the County. The first three years of projected project costs in those major areas collectively do not exceed \$10 million for which the County is proceeding with installment financing.

At the May 2, 2016 regular meeting, a resolution was approved which authorized the filing of an application to the LGC for this financing. The resolution also documented certain findings that are required for the transaction under G.S. 159-151. Additionally, publication of a notice of the public hearing on the proposed installment financing contract was approved.

#### **RECOMMENDATION/PROPOSED ACTION:**

1. Hold the public hearing on the proposed financing as authorized by G.S. 159-151.
2. Authorize the County Manager, County Attorney, and the County Finance Director to execute the documents necessary to finalize this installment financing transaction.

\*\*\*\*\*

Vicki Evans, Finance Director, reviewed the background and recommendation/proposed action recorded above.

This is the duly advertised/noticed public hearing set for this date and time.

Chairman Faircloth opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Faircloth closed the public hearing.

**MOTION:** Commissioner Edge moved to authorize the county manager, county attorney and county finance director to execute the documents necessary to finalize the installment financing transaction.

**SECOND:** Commissioner Adams

**VOTE:** UNANIMOUS (7-0)

Commissioner Evans asked Chairman Faircloth for permission to make a motion to clarify that his vote in opposition to the consent agenda was not against the entire consent agenda but only Item 2.F. Chairman Faircloth consulted Rick Moorefield, County Attorney, who stated if the Board is aware of it and consents, the motion would be proper. Commissioner Keefe stated he will vote against allowing the motion. Chairman Faircloth stated since it will not be unanimous, he rules Commissioner Evans' request out of order.

Items of Business

4. Consideration of a Resolution of the Cumberland County Board of Commissioners Supporting the Nomination of Patricia Timmons-Goodson for Federal Court Judge

A RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
SUPPORTING THE NOMINATION OF  
PATRICIA TIMMONS-GOODSON FOR FEDERAL COURT JUDGE

WHEREAS, Patricia Timmons-Goodson graduated from Pine Forest Senior High in Fayetteville, North Carolina, is married and resides in Fayetteville, North Carolina; and

WHEREAS, Patricia Timmons-Goodson received an undergraduate degree from UNC Chapel Hill in 1976, a Juris Doctor in 1979 from the UNC School of Law and a Master of Laws degree in Judicial Studies in 2014 from Duke University School of Law; and

WHEREAS, Patricia Timmons-Goodson served as the District Manager of the U.S. Census Bureau, served as Staff Attorney for Lumbee River Legal Services, and served as Assistant District Attorney for the Twelfth Judicial District in Fayetteville, North Carolina; and

WHEREAS, Patricia Timmons-Goodson was named a District Court Judge in 1984 and was subsequently elected to three four-year terms as a District Court Judge; and

WHEREAS, Patricia Timmons-Goodson was appointed by Governor Jim Hunt to the North Carolina Court of Appeals in 1997, an appointment from which she retired in late 2005; and

WHEREAS, Patricia Timmons-Goodson was appointed by North Carolina Governor Mike Easley to the North Carolina Supreme Court in 2006 and upon taking her seat, was the first African American woman to serve on the Court; and

WHEREAS, Patricia Timmons-Goodson was elected by voters to remain on the North Carolina Supreme Court in November 2006, an elected seat from which she resigned in 2012; and

WHEREAS, Patricia Timmons-Goodson was appointed by President Barack Obama to the United States Commission on Civil Rights in 2014 and served as Vice Chair of that Commission since 2015; and

WHEREAS, Patricia Timmons-Goodson was nominated by President Barack Obama on April 28, 2016, to serve as a United States District Judge of the United States District Court for the Eastern District of North Carolina; and

WHEREAS, Patricia Timmons-Goodson's nomination is currently pending before the U. S. Senate Judiciary Committee; and

WHEREAS, Cumberland County has one of the largest Federal Courthouses in the Eastern District of North Carolina, has one of the largest Federal installations and desires that a Federal Court Judge reside in Fayetteville, North Carolina.

NOW, THEREFORE, BE IT RESOLVED, that we, the Cumberland County Board of Commissioners, offer this visible show and resolution of support for the nomination of Patricia Timmons-Goodson to become the U. S. District Judge in the Eastern District. We further extend well wishes and trust that Patricia Timmons-Goodson will be confirmed by the U. S. Senate to fill this longstanding vacancy in eastern North Carolina's federal courts.

Adopted this 16th day of May, 2016.

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Commissioner Adams introduced the resolution and stated there is no finer person or judge who has served this community. Commissioner Council concurred and read the resolution. Chairman Faircloth stated Patricia Timmons-Goodson is a friend to almost everyone present and is well deserving of the honor that has been bestowed on her.

MOTION: Commissioner Council moved to approve the resolution.  
SECOND: Commissioner Evans  
VOTE: UNANIMOUS (7-0)

5. Consideration of Adoption by Resolution of an Amendment to the Fire Insurance Map for the Beaver Dam Fire District

**BACKGROUND**

The North Carolina Office of the State Fire Marshal, under the auspices of the Department of Insurance, assists fire departments with fire insurance ratings. The Fire Chief of Beaver Dam, Mr. Harold Shirley, has requested a 9S rating of Beaver Dam's Turnbull substation. The rating process by the Department of Insurance requires an adoption of a six mile insurance map by resolution of our County's Board of Commissioners. The map in question was developed with assistance from staff in the Cumberland County Planning and Inspections Department, Geographic Information Systems & Mapping Section. Mr. Vernon Ward, an official with the Office of the State Fire Marshal, has reviewed the map. An inspection of the Turnbull substation for insurance rating purposes will be scheduled with Chief Shirley once the insurance map has been adopted by the Board of Commissioners.

**RECOMMENDATION/PROPOSED ACTION**

Staff recommends the Board approve the insurance map of Beaver Dam Fire District utilizing the resolution recorded below.

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS RESOLUTION  
APPROVING BEAVER DAM FIRE DISTRICT SIX MILE INSURANCE DISTRICT**

WHEREAS: fire district boundaries for incorporated volunteer fire departments are established by boards of county commissioners pursuant to N.C.G.S. 153A-233, which districts are also used for insurance grading purposes; and

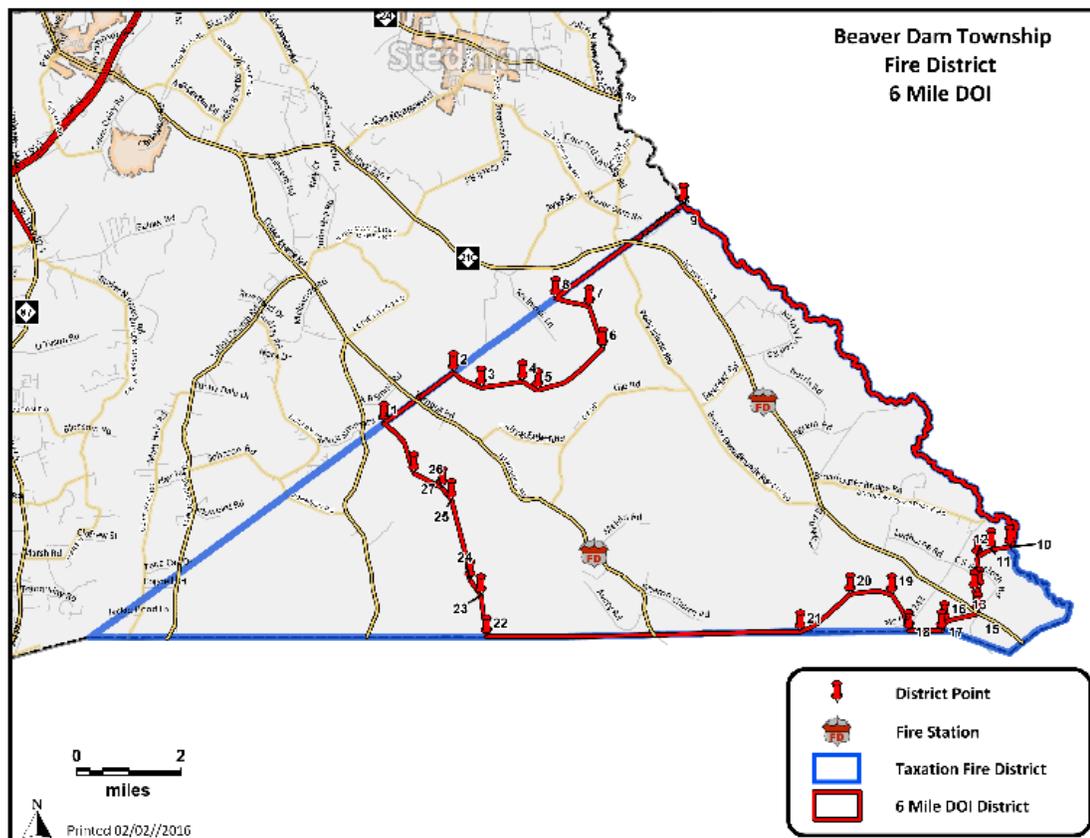
WHEREAS: the fire district boundaries in the unincorporated portion of Cumberland County need to be revised. The change of the map was created using the geographic information system; and

WHEREAS: the Cumberland County Fire Marshal has caused to be created a new six mile fire insurance district map using the geographic information system for the Beaver Dam Fire District by reference into Exhibit A to this Resolution; now, therefore, be it

RESOLVED that the Cumberland County Board of Commissioners approves the boundary lines of the Fire Insurance Districts shown on Exhibit A, exclusive of current or future municipal town limits, and as presented by geographic information system map referenced in Exhibit A.

Adopted the 16<sup>th</sup> day of May, 2016.

Exhibit A



Beaver Dam District DOI 6 Mile Description  
February 2016 Including New Station

Beginning at Point 1 (Lat. 34.9098 Long. -78.7265) northeast of the intersection of Cedar Creek Rd and Mack Simmons Rd thence traveling in a northeast direction to Point 2 (Lat. 34.9238 Long. -78.703) thence traveling in a southeast direction to Point 3 (Lat. 34.9196 Long. -78.6937) thence traveling in a eastward direction to Point 4 (Lat. 34.9212 Long. -78.6796) thence traveling in a southeast direction to Point 5 (Lat. 34.9189 Long. -78.6745) thence traveling in a northeast direction to Point 6 (Lat. 34.9303 Long. -78.6526) thence traveling in a northern direction to Point 7 (Lat. 34.9419 Long. -78.6571) thence traveling in a northwest direction to Point 8 (Lat. 34.9444 Long. -78.6684) thence traveling in a northeastern direction approximately 16,000 feet to Point 9 (Lat. 34.9419 Long. -78.6571) at the intersection of the northeastern corner of the Beaver Dam Fire District and South River thence following South River in a southern direction to Point 10 (Lat. 34.8749 Long. -78.5152) thence traveling in a southwest to Point 11 (Lat. 34.8741 Long. -78.5215) thence continuing in a southwest direction to Point 12 (Lat. 34.872 Long. -78.5261) thence traveling in a southern direction to Point 13 (Lat. 34.8633 Long. -78.5255) thence traveling in a southwest direction approximately 600 feet to Point 14 (Lat. 34.8627 Long. -78.5272) thence traveling in a southern direction approximately 2,240 feet to Point 15 (Lat. 34.8566 Long. -78.5261) near the intersection of NC Hwy 210 S and Peters Creek Church Rd thence traveling in a west southwest direction to Point 16 (Lat. 34.854 Long. -78.5373) thence traveling in a southern direction approximately 990 feet to Point 17 (Lat. 34.8517 Long. -78.5383) on the Cumberland County – Bladen County line thence following the existing district line along the Cumberland County – Bladen County boundary westward to Point 18 (Lat. 34.8517 Long. -78.5495) thence traveling in a north northwest direction approximately 4000 feet to Point 19 (Lat. 34.8618 Long. -78.5551) thence traveling in a westward to Point 20 (Lat. 34.862 Long. -78.5691) thence traveling in a southwestern direction to Point 21 (Lat. 34.862 Long. -78.5691) on the Cumberland County – Bladen County boundary thence following the existing district line along the Cumberland County – Bladen County boundary westward to Point 22 (Lat. 34.8506 Long. -78.6921) thence traveling in a northern direction to Point 23 (Lat. 34.8621 Long. -78.694) thence traveling in a north northwestern direction to Point 24 (Lat. 34.8662 Long. -78.6976) thence traveling in a northern direction to Point 25 (Lat. 34.8884 Long. -78.7038) thence traveling in a northwestern direction to Point 26 (Lat. 34.8919 Long. -78.707) thence traveling in a west northwestern direction to Point 27 (Lat. 34.896 Long. -78.7165) thence traveling Northwest and terminating at Point 1.

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Randy Beeman, Emergency Services Director, reviewed the background information recorded above. Commissioner Keefe spoke to the importance of ISO ratings.

MOTION: Commissioner Keefe moved to approve the resolution approving the Beaver Dam Fire District six mile insurance district.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

6. Nominations to Boards and Committees

A. Alliance Behavioral Healthcare Board of Directors (1 Vacancy)

Commissioner Edge nominated Dr. John Griffin.

B. Joint Senior Citizens Advisory Commission (1 Vacancy)

Commissioner Council nominated Augusta Newman.

C. Transportation Advisory Board (6 Vacancies)

Commissioner Adams nominated William H. Robinson, Jim Lott, Adolphus Thomas, Ellen Morales, David Schuler and Robyn McArdle.

D. Wrecker Review Board (1 Vacancy)

Commissioner Council nominated Marshall L. Gore

7. Appointments to Boards and Committees

A. Board of Adjustment (6 Vacancies)

Nominees:

Regular Member: Winton McHenry  
George Lott (Reappointment)

Alternate Member: Robert Davis  
Stacy M. Long  
Gregory Parks  
Nathan Galbreath

B. Human Relations Commission (2 Vacancies)

Nominees: Linda Amos (Reappointment)  
Tomecia Sobers (Reappointment)

C. Parks and Recreation Advisory Board (5 Vacancies)

Nominees: Steven Harper (Reappointment)  
William McNeill (Reappointment)  
Thomas Cain  
Ryan Douglas  
Iva Marie Kelly  
Antonio Gerald  
Harold Smelcer

D. Social Services Board (1 Vacancy)

Nominee: Susan Reeder (Reappointment)

There being an equal number of vacancies and nominees for Items 7.A., 7.B. and 7.D,

MOTION: Commissioner Adams moved to appoint all nominees to their respective positions.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

Commissioner Evans withdrew his nomination of Thomas Cain and Ryan Douglas for the Parks and Recreation Advisory Board.

There now being an equal number of vacancies and nominees for Item 7.C.,

MOTION: Commissioner Adams moved to appoint all nominees to the Parks and Recreation Advisory Board.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-0)

8. Closed Session: A. Economic Development Matter  
Pursuant to NCGS 143-318.11(a)(4)

MOTION: Commissioner Lancaster moved to go into closed session for an Economic Development Matter pursuant to NCGS 143-318.11(a)(4).

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Keefe moved to reconvene in open session.  
SECOND: Commissioner Lancaster  
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Keefe moved to adjourn.  
SECOND: Commissioner Evans  
VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 8:47 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board